

REMARKS

By the present amendment, claims 1, 15 and 17 have been amended. Claim 12 was previously canceled.

Claims 1-11 and 13-21 remain pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 1-7, 10, 11, 13, 16 and 21 Under 35 USC § 103(a)

The Examiner has rejected claims 1-7, 10, 11, 13, 16 and 21 under 35 U.S.C. § 103(a), as being unpatentable over Ethier, U.S. Patent No. 4,662,468, in view of Horiike, U.S. Patent No. 4,887,688. The Applicants believe this rejection has been addressed and overcome by the present amendment.

Claim 1 as amended recites:

the engine being disposed rearwardly of the storage compartment and at least in part rearwardly of the front wheels

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 1 as amended:

a portion of the storage compartment preventing access to the engine via the storage compartment,

The Applicants submit that at least the above feature of claim 1 as amended is not taught by Ethier.

The Examiner has stated in paragraph 6 of the rejection that

[t]he structure taught by Ethier ('468) that houses the engine and transmission is a storage compartment.

In view of the present amendment, the Applicants submit that the structure of Ethier that houses the engine 2 can no longer be considered a storage compartment as claimed. As the Examiner has indicated, the engine 2 of Ethier is housed inside the structure. As such, the engine 2 of Ethier is not disposed rearwardly of the structure. In addition, because the engine

2 of Ethier is housed inside the structure, Ethier does not prevent access to the engine 2 via the structure. Therefore, Ethier does not teach a portion of a storage compartment preventing access to the engine via the storage compartment.

This deficiency in Ethier is not remedied by Horiike, without admitting that Horiike can be combined with Ethier and reserving the right to argue thereagainst in the future.

Referring to lines 15-18 of column 3 of Horiike,

A relatively wide tire 2 having a flat tread is mounted on a rear wheel. A round tire A having a more conventional tread is mounted on a front wheel.

It is apparent that Horiike teaches a vehicle having a single front wheel. Therefore, Horiike does not teach any structure disposed between a pair of front wheels. In addition, Horiike makes no mention of a storage compartment disposed at the front portion of the vehicle of Horiike. As such, Horiike does not teach a storage compartment disposed at a front portion of a frame or any properties thereof. By extension, Horiike does not teach a portion of the storage compartment being disposed between the engine and an interior of the storage compartment, the portion preventing access to the engine via the storage compartment.

Therefore, at least one feature of claim 1 as amended is not taught by Ethier or Horiike, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw her rejection of claim 1. The Examiner is also requested to withdraw her rejection of claims 2-7, 10, 11, 13, 16 and 21, which are believed to be allowable in view of their dependency from claim 1 and for the additional features recited therein.

In regard to Rejection of Claims 8 and 9 Under 35 USC § 103(a)

The Examiner has rejected claims 8 and 9 under 35 U.S.C. § 103(a), as being unpatentable over Ethier and Horiike, and further in view of Kido, U.S. Patent No. 6,508,326. The Applicants believe this rejection has been addressed and overcome by the present amendment.

As discussed above with respect to claims 1-7, 10, 11, 13, 16 and 21, claim 1 as amended is believed to be allowable. As such, the Examiner is requested to withdraw her

rejection of claims 8 and 9 in view of their dependency from claim 1 and for the additional features recited therein.

In regard to Rejection of Claims 11, 14 and 15 Under 35 USC § 103(a)

The Examiner has rejected claims 11, 14 and 15 under 35 U.S.C. § 103(a), as being unpatentable over Ethier and Horiike, and further in view of Hamane, U.S. Patent No. 4,564,081. The Applicants believe this rejection has been addressed and overcome by the present amendment.

As discussed above with respect to claims 1-7, 10, 11, 13, 16 and 21, claim 1 as amended is believed to be allowable. As such, the Examiner is requested to withdraw her rejection of claims 11, 14 and 15 in view of their dependency from claim 1 and for the additional features recited therein.

In regard to Rejection of Claims 17 and 20 Under 35 USC § 103(a)

The Examiner has rejected claims 17 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Levasseur, U.S. Patent No. 5,564,517, in view of Hamane. The Applicants submit that the Examiner's rejection has been addressed and overcome by the present amendment.

Claim 17 as amended recites:

the engine being disposed rearwardly of the storage compartment and at least in part rearwardly of the front wheels

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 17 as amended:

a portion of the storage compartment preventing access to the engine via the storage compartment,

As the Examiner has indicated on page 5 of the rejection, Levasseur does not teach a storage compartment. By extension, Levasseur does not teach any properties of a storage compartment. In addition, as the Examiner has indicated on page 5 of the rejection, the engine of Levasseur is not explicitly disclosed. As such, Levasseur does not teach a particular

location of the engine relative to a storage compartment or any other component of the vehicle.

This deficiency is not remedied by Hamane, without admitting that Hamane can be combined with Levasseur and reserving the right to argue thereagainst in the future.

Referring to Figures 1 and 8 of Hamane, it is apparent that Hamane teaches a motorcycle having a single front wheel 16 and a single rear wheel 18. Both the front wheel 16 and the rear wheel 18 of Horiike are centered on the longitudinal axis of the motorcycle of Hamane. Therefore, Hamane does not teach a storage compartment disposed between a pair of front wheels. Even if Hamane could be modified to have a pair of front wheels, which is not admitted, the compartment 48, 96 would be above the front wheels and not between the wheels. Therefore, Hamane does not teach a storage compartment disposed at the front portion of the frame between the pair of front wheels or any properties of such a storage compartment. By extension, Hamane does not teach a portion of the storage compartment preventing access to the engine via the storage compartment.

Therefore, at least one feature of claim 17 as amended is not taught by Levasseur or Hamane, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw her rejection of claim 1. The Examiner is also requested to withdraw her rejection of claim 20, which is believed to be allowable in view of its dependency from claim 17 and for the additional features recited therein.

In regard to Rejection of Claims 18 and 19 Under 35 USC § 103(a)

The Examiner has rejected claims 18 and 19 under 35 U.S.C. § 103(a), as being unpatentable over Levasseur and Hamane, and further in view of Gessinger, U.S. Patent No. 5,167,294. The Applicants disagree.

As discussed above with respect to claims 17 and 20, claim 17 as amended is believed to be allowable. As such, the Examiner is requested to withdraw her rejection of claims 18 and 19 in view of their dependency from claim 1 and for the additional features recited therein.

Miscellaneous Amendments

By the present amendment, claim 15 has been amended to be consistent with the amendment to claim 1.

Support for Amendments

By the present amendment, claims 1 and 17 have been amended to recite “the engine being disposed rearwardly of the storage compartment and at least in part rearwardly of the front wheels.” This amendment is believed to be supported by the application as originally filed, in particular Figures 2 and 16 thereof.

By the present amendment, claims 1 and 17 have been amended to recite “a portion of the storage compartment preventing access to the engine via the storage compartment”. This amendment is believed to be supported by the application as originally filed, in particular the following portion of paragraph [0076] of the application as published:

The storage compartment 200 may include a removable insert (not shown) having separate storage compartments formed therein. Access to the engine 40 and the engine service center is facilitated by removing the insert.

In view of the above remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, no fees were believed to be necessary. In case any fee should be necessary, the Office is hereby authorized to debit Deposit Account number 502977.

Respectfully submitted,

/ Dominic Goudreault /

Dominic Goudreault, Reg. No. 53,915
OSLER, HOSKIN & HARCOURT LLP
Agents for the Applicant

OSLER, HOSKIN & HARCOURT LLP
1000 de la Gauchetière St. West
Suite 2100
Montréal, Québec H3B 4W5
Canada

Tel. (514) 904-8100
Fax. (514) 904-8101